TRIAL ADVOCACY II SYLLABUS SPRING 2017
CRIMINAL SECTION

MARY TURNER WORK: 205-247-5011
TURNER LAW GROUP HOME: 205-752-9612
2312 UNIVERSITY BOULEVARD CELL: 205-242-2045
TUSCALOOSA, ALABAMA 35401

EMAIL: mary@turnerlawgroup.net

CLASS MEETING
Mondays from 5:30 to 8:20 p.m. Room: A245

TEXT MATERIALS

MODERN TRIAL ADVOCACY, Analysis and Practice, by Steven Lubet (on reserve in the Law
Library)

**EVIDENTIARY FOUNDATIONS, 9th Edition by Edward J. Imwinkelried
Not required but suggest if you can buy on Amazon if you want to try cases keep it and do not
sell back at end of the semester

CASE FILE: State of Nita vs. Burns

HANDOUTS: Provided by the instructor

COURSE REQUIREMENTS/ATTENDANCE POLICY

Attendance for all classes is mandatory as required by the Trial Advocacy Program. Therefore, any absence from class, other than unexpected emergencies or illnesses, must be
approved in advance by the instructor. Any un-excused absence will result in the lowering of the student’s grade. If a student finds it necessary to miss a class, that class must be made up
by attending another instructor’s class and notifying me of the date and time of attendance.

GRADING

This course is a Pass/D/Fail course. The instructor therefore has three options. While students expect and generally do in fact receive a grade of Pass in this course, a D or failing
grade will be awarded to students who are absent from class without permission, who fail to
perform an assigned exercise who show a general lack participation in class activities.

COURSE METHODOLOGY

This class in focused on litigation skills. The methodology for this course will be a
mixture of lecture, discussion, demonstration (both live and videotaped) and stimulated skill
exercises. Students will be expected to be actively involved in each week’s class. Exercise for
this semester will be drawn primarily from the case file of STATE OF NITA VS. BURNS. This
class will be divided into trial teams of two students. Each team will represent either the
Defendant or the State of Nita.
WEEK ONE
January 9, 2017

Introduction to Course: Explain attendance policy & establish trial teams

Topic for Discussion: Developing the Theory of the Case in general

January 16, 2017 NO CLASS – HOLIDAY

WEEK TWO
January 23, 2017

Topic for Discussion: The theory of the case regarding State of Nita v. Burns

Opening Statements

Reading Assignment: Handouts on Developing the Theory of the Case and Opening Statements

Lubet, Chapter: 1, 2 & 3
Burns, Review case file and be prepared to discuss good facts/bad facts for your side.

WEEK THREE
January 30, 2017

Exercise: Prepare an opening statement for State of Nita vs. Burns
Be prepared to give an opening statement to the Class

Reading Assignment: Lubet, Chapter 11

WEEK FOUR
February 6, 2017

Exercise: Continue with opening statements (Burns, Problem 22)

Topic for Discussion: Exhibits and Demonstrative Evidence

Reading Assignment: Lubet, Chapter 10
Burns, review pages handed out in class on 1/30/17
Imwinkelried, §1.01 - 1.04

WEEK FIVE
February 13, 2017

First Exercise: Introduction of exhibits and use of demonstrative evidence
(Each student should be prepared to use a piece of demonstrative evidence in his/her opening statement and each student should be prepared to know the steps of laying a foundation for a picture of the crime scene).
Second Exercise: Burns, Prepare Problems 5, 6, 7, 8 & 9 (to be handled out in class on 2/1/16)
Reading Assignment: Imwinkelried, §4.07-4.09

WEEK SIX
February 20, 2017

Topics for Discussion: Direct Examination
Expert Witnesses

Reading Assignment: Lubet, Chapter 4 & 8
Burns, pgs 5-6 (to be handed out in class on 2/13/17)

WEEK SEVEN
February 27, 2017

Exercise: Burns, Prepare Problems #1, 2, 3 & 4 (to be handed out in class on 2/20/17)

Reading Assignment: Lubet, Chapter 5

Topic for Discussion: Cross Examination

WEEK EIGHT
March 6, 2017

Watch Video on Cross Examination

WEEK NINE
March 20, 2017

Exercise: Burns, Prepare Problems #18, 19 & 20 (to be handed out in class on 3/6/17)

Conduct a cross examination

Reading Assignment: Lubet, Chapter 4 and 6

WEEK TEN
March 27, 2017

Topic for Discussion: Impeachment and Rehabilitation
Making objections

First Exercise: Impeachment problems
Burns, Prepare Problems #10, 11 & 12 (to be handed out in class on 3/20/17)
Reading Assignment: Lubet, Chapter 12
Burns, pgs 39-40

Topic for Discussion: Closing Argument

WEEK ELEVEN
April 3, 2017

Exercise: Burns, Prepare Problem #23 (to be handed out in class on 3/20/17)

Prepare a Closing Argument for the Burns case and be prepared to argue before the class

Reading Assignment:       Handout: The Art of Drafting Jury Instructions

WEEK TWELVE
April 10, 2017

Exercise: Draft jury instructions
Be prepared to argue why Judge should give the requested instruction

Reading Assignment: Lubet, Chapter 13
Handout: How to Conduct a Meaningful and Effective Voir Dire


Topic for Discussion: Batson motions; articulating race neutral reasons
Voir Dire

Exercise: Conduct a Voir Dire using the Burns case

Topic for Discussion: Guidelines for Trial
Stipulations

WEEK Thirteen
April 17, 2017

Exercise: Trials: STATE OF NITA VS. BURNS